

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§ § §	
<b>SRR ENERGY MANAGEMENT RESOURCES, INC.</b>	§ § § § §	<b>CASE NO. 06-36325-H2-7 (Chapter 7)</b>
<b>Debtor</b>	§ § § § §	
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<b>WILLIAM G. WEST, TRUSTEE</b>	§ § § § §	
<b>Plaintiff</b>	§ § § § §	
<b>vs.</b>	§ § § § §	<b>ADVERSARY NO. 08-3377</b>
<b>PINNACLE ENTERTAINMENT, INC.,</b>	§ § § § §	
<b>Defendant</b>	§ § § § §	

**AMENDED COMPLAINT TO AVOID TRANSFERS**

**To The Honorable Wesley Steen,  
United States Bankruptcy Judge:**

COMES NOW, WILLIAM G. WEST, Chapter 7 Trustee and Plaintiff herein ("Plaintiff"), and files this, his *Amended Complaint to Avoid Transfers*, and in support thereof would respectfully show as follows:

**PARTIES AND SERVICE**

1. Plaintiff is the duly qualified and acting Trustee for the Estate of SRR Energy Management Services, Inc. ("Debtor") and brings this adversary proceeding pursuant to Bankruptcy Rule 7001, 11 U.S.C. §541, §542, §544, §548, and §550.

2. Pinnacle Entertainment, Inc. ("Defendant Pinnacle") is a Delaware Corporation who was served with process pursuant to Bankruptcy Rule 7004(b)(1) by serving its registered agent, Business Filings S Incorporated, its registered agent, Brownstein, Hyatt, Farber, Schreck, LLP, and its President, Wade Hunley, at 3800 Howard Hughes Parkway, Las Vegas, Nevada 89109.

3. In the Complaint, the Plaintiff sought to avoid certain transfers made by the Debtor's

former principal, Stephanie R. Roquomore, to L'Auberge du Lac Casino ("L'Auberge du Lac"). After serving the Original Complaint and Summons on Defendant Pinnacle, counsel for L'Auberge du Lac contacted Plaintiff's counsel and advised that Defendant Pinnacle is the parent company of PNK (Lake Charles), LLC ("PNK"), the entity that owns L'Auberge du Lac. Plaintiff desires to amend this Complaint to name PNK as the proper party as Defendant.

4. PNK (Lake Charles), LLC ("Defendant PNK") is a Louisiana Limited Liability Corporation and can be served with process pursuant to Bankruptcy Rule 7004(b)(1) by serving its attorney, Patrick Jackson, at 4442 Viking Drive, Suite 100, Bossier City, LA 71111. Patrick Jackson has agreed to accept service on behalf of Defendant PNK.

#### JURISDICTION

5. The United States District Court for the Southern District of Texas has jurisdiction over this adversary proceeding under 28 U.S.C. §1334, which action has been referred to this Court as a core proceeding pursuant to 28 U.S.C. §157(b)(2)(N), and brought pursuant to Bankruptcy Rule 7001, 11 U.S.C. §§541, §542, §544, §548, and §550.

#### VENUE

6. Venue is proper before this court under 28 U.S.C. § 1409.

#### FACTS

7. This adversary proceeding relates to the case of *In re: SRR Energy Management Resources, Inc.* ("Debtor"), pending under Case No. 06-36325-H2-7 in the U.S. Bankruptcy Court for the Southern District of Texas, Houston Division.

8. On November 10, 2006, the Debtor filed its Voluntary Petition for Relief under Chapter 7 of the United States Bankruptcy Code. On November 10, 2006, William G. West, Trustee was appointed as the Chapter 7 Trustee for the Estate of SRR Energy Management Resources, Inc.

Mr. West remains the duly qualified and acting Trustee of the case to date

9. Prior to filing for bankruptcy protection, the Debtor was a Texas corporation engaged in energy trading, including the purchase and sale of gas.

10. The Defendant PNK owns and operates a casino known as L'Auberge du Lac, located at 777 Avenue L'Auberge, Lake Charles, Louisiana 70601.

11. Between May 31, 2005, and December 12, 2005, the Debtor's former principal, Stephanie Roquomore, used funds from the Debtor's financial accounts to incur personal charges at the Defendant PNK's casinos ("Charges").

12. Between May 31, 2005, and December 12, 2005, funds drawn on the Debtor's accounts totaling \$79,800.00 were paid to Defendant PNK. ("Transfers").

13. The Transfers and Charges do not consist of those incurred in the ordinary course of the Debtor's business operations. The Debtor received no benefit, value, or consideration from the Charges or Transfers.

#### **Fraudulent Transfers Pursuant to 11 U.S.C. §548**

14. Paragraphs 1 through 13 are incorporated herein by reference for all purposes as if set out in full.

15. The Transfers made by the Debtor are avoidable pursuant to 11 U.S.C. § 548.

16. The Transfers were made within two years of the Debtor filing for bankruptcy.

17. The Debtor received less than a reasonably equivalent value in exchange for the Transfers.

18. The Debtor was insolvent at the date the Transfers were made or such obligations were incurred or became insolvent as a result of the Transfers or obligations.

19. Alternatively, the Debtor was engaged in business or a transactions for which any

property remaining with the Debtor was an unreasonably small capital.

20. Alternatively, the Debtor intended to incur, or believe that it would incur, debts that would be beyond the Debtor's ability to pay as such debts matured.

21. The Debtor's Transfers to the Defendant are avoidable pursuant to 11 U.S.C. § 548 and §550.

WHEREFORE, William G. West, Trustee requests that Defendant, PNK (Lake Charles), LLC be cited to answer and appear herein and upon final trial hereof he have judgment against the Defendant, PNK (Lake Charles), LLC as follows:

1. a determination that the transfers to the Defendant, PNK (Lake Charles), LLC were avoidable fraudulent transfers and that the funds are property of the Estate;
2. damages in the principal amount of \$79,800.00 for the payments made to the Defendant, PNK (Lake Charles), LLC;
3. pre-judgment interest as allowed by law;
4. award post-judgment interest at the highest prevailing legal rate from the date of judgment until paid;
5. award all costs of court and attorney's fees; and
6. for such other and further relief to which the Trustee may be justly entitled, either at law or in equity.

Respectfully submitted,

**WALDRON & SCHNEIDER, L.L.P.**

/s/ Kimberly A. Bartley

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COUNSEL FOR WILLIAM G. WEST, TRUSTEE

**CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the foregoing *Amended Complaint to Avoid Transfers* has been served upon the following by First Class U.S. Mail, postage prepaid and properly addressed, on this the 13<sup>TH</sup> day of November, 2008.

Pinnacle Entertainment, Inc.  
c/o Registered Agent, Business Filings S Incorporated  
1232 Q Street, First Floor  
Sacramento, California 95814

Pinnacle Entertainment, Inc.  
c/o Registered Agent, Brownstein, Hyatt, Farber, Schreck, LLP  
100 City Parkway, Suite 1600  
Las Vegas, Nevada, 89106

Pinnacle Entertainment, Inc.  
c/o President, Wade Hunley  
3800 Howard Hughes Parkway  
Las Vegas, Nevada 89109

/s/ Kimberly A. Bartley

Kimberly A. Bartley